

EXHIBIT X



The Kroger Co.
Coordinated Grocery Merchandising
1014 Vine Street
Cincinnati, OH 45202-1100

Date: October 1, 2002

TO: Pete Van Ruiten, Atlanta Division
Joe Buescher, Cincinnati Division
Paul Hazeltine, Central Division
Kevin Danish, Delta Division
Mike Schultz, Columbus Division
Lynn Meredith, Mid-South Division
Dan Johnson, Michigan Division
Robin Kidd, Mid-Atlantic Division
John Tribo, Southwest Division
Dave Hayden, Dillon Division
Chris Albi, King Soopers Division
Robert Clark, Fry's Division
Steve Lewis, Ralphs Division
Ken Phillips, Food for Less Division
Kenn Rawlings, Smith's Division
Mark Van Buskirk, Fred Meyer Division
Brent Stewart, QFC Division

Perishable Dairy/Wall Deli Category Managers

RE: FMI Animal Welfare Guidelines

Cc: Geoff Covert, Bruce Macaulay, Scot Hendricks, Andy Lewis,
Roger Templeton, Alan Faust, Bill Dankworth, Jeff Caley,
Roy Beatty, Bill McCarthy, Gary Stull, Lynn Marmer,
Patrick Panchot

DEFENDANTS'
EXHIBIT
CaseNo.2:08-md-2002 DAP

D-0348



Coordinated Grocery Merchandising

Lisa Beth Miller

1014 Vine Street, Cincinnati, OH 45202-1100

Marketing Manager - Dairy Products

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On May 31 of this year, our Company announced that we would continue to support the Food Marketing Institute's development of an animal welfare program and that the Company would require its suppliers to adopt the program's "best practice" guidelines when they are issued.

On September 10 of this year the United Egg Producers announced that 80% of the industry has signed on to participate in the program. Additionally, they unveiled a new certification logo that will appear on egg cartons from farms that adhere to the new guidelines.

The guidelines place top priority on the comfort, health and safety of the chickens, and include:

- Increased cage space per hen, which is being phased in to avoid market disruptions;
- Standards for molting procedures based on the most current, verified scientific studies;
- Standards for trimming of chicks' beaks, when necessary, to avoid pecking and cannibalism;
- Maintaining constant supply of fresh feed, water and air ventilation throughout the chicken house, and monitoring for ammonia;
- Standards for daily inspection of each bird as well proper handling and transportation;
- Availability of new training video to instruct producer staffs on the proper handling of chickens to avoid injury to the animals

Next week our current egg suppliers will begin printing our cartons with the new logo that is attached for your review. Initially, the logo will appear on the top of the carton. On the next carton runs, the logo will be added to the sides of the cartons. This pertains to all Kroger Division banner eggs as well as Private Selection Eggs. Timing for the logo to appear on the shelves in your Division will depend upon current inventories and will flow through as old packaging is used up. Three weeks is a minimum time to expect to see the logo.

Attached also is a reference with phone numbers to any customers who may have further questions. It is suggested that you share this information with your Division Teams and Stores. There will be customers looking for this certification due to our Corporate commitment.

We are also working with Papetti's and Nulaid, our Corporate Brand supplier of egg substitutes in order to determine their ability to comply as quickly as possible.

Should you have questions or concerns, please do not hesitate to call.

Lisa Beth Miller

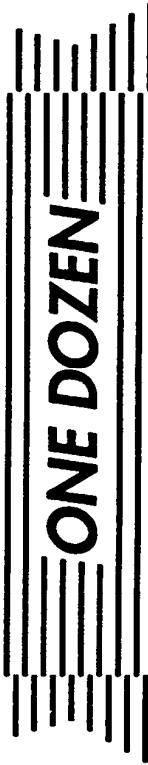
Presented by: **DOLCO**
PACKAGING

Presented to: **Kroger**



GRADE A

DISTRIBUTED BY THE KROGER CO.,
CINCINNATI, OHIO 45202

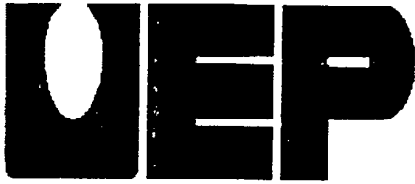


**LARGE
EGGS**



KEEP REFRIGERATED
AT OR BELOW 45°

12 Egg Top



EGG INDUSTRY UNVEILS NEW ANIMAL CARE CERTIFICATION LOGO TO APPEAR ON EGG CARTONS NATIONWIDE

Certification Program Reaches 80 Percent Participation

ATLANTA (September 10, 2002) – Consumers and retailers concerned about animal welfare can now easily spot eggs produced using the United Egg Producers (UEP) new animal care guidelines. The UEP today unveiled a new certification logo that will appear on egg cartons from farms that adhere to new animal care guidelines that were announced in June. Egg producers representing more than 200 million layers or 80 percent of the industry have already signed on to participate in the program.

Participating producers will be audited yearly through an independent certification program to ensure the new standards are being met.

“Since June, we have been overwhelmed by calls from consumers, retailers and restaurants wanting to know how they can get eggs from certified farms. This new certification logo makes it easy,” said Ken Klippen, vice president of the United Egg Producers.

The Food Marketing Institute and National Council of Chain Restaurants announced the UEP guidelines as part of a comprehensive animal welfare program that included several meat-related industries in June. The UEP guidelines are based on recommendations from an independent scientific advisory committee commissioned in 1999 to review the treatment of egg-producing hens. The committee included representatives from the USDA, scientists, U.S. Humane Association and academics.

The guidelines place top priority on the comfort, health and safety of the chickens, and include:

- Increased cage space per hen, which is being phased in to avoid market disruptions;
- Standards for molting procedures based on the most current, verified scientific studies;
- Standards for trimming of chicks’ beaks, when necessary, to avoid pecking and cannibalism;
- Maintaining constant supply of fresh feed, water and air ventilation throughout the chicken house, and monitoring for ammonia;
- Standards for daily inspection of each bird as well proper handling and transportation;
- Availability of a new training video to instruct producer staffs on the proper handling of chickens to avoid injury to the animals.

The UEP has also commissioned three scientific studies to identify the safest, most humane and effective practices for induced molting among hens. The industry plans to recommend changes for molting as appropriate once the research is completed, which is expected this fall.

For more information on the UEP guidelines, please call (202) 842-2345 ext. 313.

Media: For more information or interviews, please call (404) 479-2231.
